

## OFFICE EXCLUSIVE LISTINGS / PRE-MARKETING GUIDANCE

REALTORS® pledge to “protect and promote the interests of their client” (*NAR Code of Ethics, Article 1*). The MLS’s centralized marketplace provides the transparent platform to enable this (See [The MLS As a Pro-Competitive, Pro-Consumer System](#) below).

This resource guides agents in understanding:

- ✓ How office exclusives and pre-marketing relate to MLS operations
- ✓ The broker’s role in upholding this pledge and related policies
- ✓ The distinction between off-market and on-market exposure

### OFFICE EXCLUSIVE LISTING OPTION

The office-exclusive exempt listing is an option\* the seller can choose if they want to list their property for sale without public marketing. This means the property:

- ✓ **IS** filed with the MLS
- ✓ **IS** shared with agents within the listing firm dependent on the listing contract
- ✗ **IS NOT** publicly marketed
- ✗ **IS NOT** disseminated to MLS participants and subscribers who are not within the listing firm.

### WHEN TO USE

**The choice to deploy this option belongs entirely to the seller** in accordance with their best interests, which can include health, safety, privacy, or any instance where their individual interests outweigh the benefits of broad market exposure and cooperation with other brokers through the MLS.

**It is the agent’s duty** to advise the seller of the MLS benefits they are waiving or delaying with this option. The broker is required to obtain the signed seller authorization/disclosure with Office Exclusive Listings (*see Brokers Role, Item 2 below*).

*\*Every REALTOR® association-owned MLS [must offer](#) an office-exclusive exempt listing option*

### PRE-MARKETING LISTING OPTIONS

Pre-marketing listing options can provide sellers and listing brokers additional flexibility.

These options, if available locally, **must**:

- Comply with the local MLS rules, (submission requirements, deadlines, etc.), **and**
- Follow the seller's **informed** instructions

Sample use cases:

- Deploying early marketing strategies
- Managing property preparation timelines
- Generating interest before full market launch
- Limiting exposure before full market launch

Examples:

- Coming Soon statuses
- Delayed Marketing Exempt Listings (DMEL)

Pre-marketing options are set locally to reflect and serve the needs of the marketplace.

## **BROKER'S ROLE AND RESPONSIBILITIES**

Before entering into an office-exclusive listing or using a pre-marketing option (where available), it is imperative for the listing broker to:

1. **Explain all** listing options to the seller—including how each aligns with the seller's goals, marketing strategy, and critically, how each option serves the best interest of the seller.

If the seller chooses to market their property as an office exclusive exempt listing or utilize a premarketing option (if available locally), the required disclosures must be executed.

2. **Secure a seller disclosure form.** This ensures the seller's understanding of their options, the benefits they're waiving and confirms their decision.

Required disclosures for Office Exclusive and Delayed Marketing Exempt Listings are:

- a. Disclosure about the professional relationship between the Participant and the seller; **and**
- b. Acknowledgement that the seller understands the MLS benefits they are waiving or delaying with the exempt listing, such as broad and immediate exposure of their listing through the MLS; **and**
- c. Confirmation of the seller's decision that their listing not be publicly marketed and disseminated by the MLS as an office exclusive listing or that their listing

will not have immediate public marketing through IDX and Syndication as a delayed marketing listing.

Additional local disclosure requirements may also apply for Coming Soon statuses and other local premarketing options.

3. **Check your local MLS** for additional policies, rules and listing options.

## **BROKER COMPLIANCE CHECK**

Stay in compliance with MLS Rules, which includes the Clear Cooperation Policy (CCP).

## **OFFICE EXCLUSIVE LISTINGS**

1. **What if the property is publicly marketed?**  
Submit to the MLS within one business day so it is available to other MLS Participants.
2. **What if I want to tell a broker or agent outside my firm about the listing?**
  - ✓ Secure authorization from your seller.
  - ✓ Engage in *one-to-one* broker-to-broker communication
  - ✓ Ensure the receiving broker does *not* market the property—including a showing—as that would trigger CCP submission requirements.
  - ✓ See [1:1 Broker Communications resource](#) for more information and guidance.

## **PRE-MARKETING LISTING OPTIONS**

3. **If the listing is already filed with the MLS and available to other MLS participants and subscribers, is the listing brokerage in compliance?**

You are in compliance! In practice, these listings are not off-market or off the MLS in the same way as an office exclusive.

Depending on local MLS rules, these may involve limited, delayed, or controlled on-market exposure.

Some states such as Wisconsin, Washington, and Connecticut have enacted laws or are considering laws that require the public marketing of listings. Check with your state license authority for the laws in your state.

## THE MLS AS A PRO-COMPETITIVE, PRO-CONSUMER SYSTEM

The MLS supports competition among brokerages while serving the interests of buyers and sellers.

Broad on-market exposure through the MLS promotes transparency, access to inventory, and competitive offers, while still preserving seller-directed listing choices that abide by local listing options/statuses.

The MLS's centralized marketplace provides:

1. broad market exposure—or limited exposure when directed by the seller,
2. the most accurate, comprehensive and current property exposure,
3. transparency into available inventory,
4. professional cooperation between brokers for maximum buyer awareness,
5. support for fair-housing and equal-opportunity compliance,
6. access to historical transactional data, and
7. tools that enhance productivity and informed decision-making.

## VIRTUAL OFFICE WEBSITES (VOW)

*To support cooperation, fair housing, and transparency, and based on prior discussions with the DOJ, all active listings in an MLS must be made available through a VOW data feed.*

MLSs have local discretion to determine whether a listing is an “active listing,” or a “non-active listing.” However, the categorization of a listing and the corresponding status must be an accurate representation of the availability of the property.

Note: Some MLSs, based on local discretion and pre-marketing listing options, set rules establishing that a listing is “non-active” or “off-market,” if the property is not available to be shown, and/or not tracking Days on Market, and/or not requiring a list price, and/or by not tracking any price change history.

## LOCAL MLS RULES AND ENFORCEMENT

Local MLS rules are designed to support efficiency, transparency, and cooperation for the benefit of consumers. MLS Participants are expected to follow those rules and explain them to clients when needed.

Enforcement is the responsibility of the local MLS and follows established procedures to evaluate potential violations and any applicable sanctions or compliance requirements.